

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: Van Leer Containers, Inc.
Mailing Address: 4300 West 130th Street, Chicago IL 60658

is authorized to operate a container manufacturing plants

Source Name: Van Leer Containers, Inc.
Mailing Address: 4300 West 130th Street, Chicago IL 60658

Source Location: 7425 Industrial Road, Florence, Kentucky 41042

Permit Type: Federally-Enforceable
Review Type: Title V (HAPs) / CONDITIONAL MAJOR (VOCs)
OPERATING

Permit Number: V-99-031
Log Number: F459
Application
Complete Date: February 13, 1998
KYEIS ID #: 079-0280-0010
AFS Plant ID #: 21-015-00010
SIC Code: 3412
Region: Cincinnati
County: Boone

Issuance Date:
Expiration Date:

John E. Hornback, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on February 13, 1998, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This draft permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Point # 01 (SO1, SO2, SO3, SO4 and SO6)

Drum Shell Lining Booth

Lining Oven

Drum Paint Booth

Paint Oven

Drum Seamer

Description:

1. The drum shell lining spray booth uses airless spray guns and is equipped with a set of filters with an efficiency of 95%. Transfer efficiency of each gun is 80%. Date installed: 1969.
2. A natural gas fired lining oven of capacity 4.8 MM Btu/hr. Manufacturer: Young and Berk. Date installed: 1969
3. The paint spray booth uses airless spray guns and is equipped with water washed tunnels with an efficiency of 95%. Transfer efficiency of each gun is 80%. Date installed: 1969.
4. A natural gas fired drum paint oven of capacity 7.1 MM Btu/hr. Manufacturer: Young Brothers. Date installed: 1969
5. Drum seamer. Date installed 1969
6. The VOC emissions exhaust is uncontrolled.

APPLICABLE REGULATIONS:

1. 401 KAR 61:132, Existing miscellaneous metal parts and products surface coating operations applicable to unit commenced before February 4, 1981.
2. 401 KAR 61:020, Existing process operation applicable to affected facilities or source associated with process operation with commenced before July 2, 1975.

1. **Operating Limitations:** See group requirements

2. **Emission Limitations:** See group requirements

3. **Testing Requirements:** See group requirements

4. **Specific Monitoring Requirements:** None

5. **Specific Record keeping Requirements:** See group requirements

6. **Specific Reporting Requirements:** See group requirements

7. **Specific Control Equipment Operating Conditions:**

1. The permittee shall operate spray paint booths with dry filters only when exhaust filters are fitted with them and shall change filters as often as needed to comply with the emission limitations.
2. The permittee shall maintain water supply pressure to the nozzles specified by the manufacturer at all time when spray booth operations are taking place. The permittee shall keep nozzles clean as often as needed to comply with the emission limitations.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

8. **Alternate Operating Scenarios:** None
9. **Compliance Schedule:** None
10. **Compliance Certification Requirements:** See Section F-7

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Point # 02 (SO7, SO8 and SO10)

Drum Parts Spray Booth and Drum Parts Oven

Description:

1. The spray booth uses airless spray guns and is equipped with exhaust filters. Transfer efficiency of each gun is 80%. Date installed: 1969.
2. A natural gas fired drum parts oven of capacity 2.3 MM Btu/hr. Manufacturer: Young and Berk. Date installed: 1969.
3. VOC emissions exhaust is uncontrolled.

APPLICABLE REGULATIONS:

1. 401 KAR 61:132, Existing miscellaneous metal parts and products surface coating operations applicable to unit commenced before February 4, 1981.
2. 401 KAR 61:020, Existing process operation applicable to each affected facility or source, associated with a process operation which commenced before July 2, 1975.
1. **Operating Limitations:** See group requirements
2. **Emission Limitations:** See group requirements
3. **Testing Requirements:** See group requirements
4. **Specific Monitoring Requirements:** None
5. **Specific Record keeping Requirements:** See group requirements
6. **Specific Reporting Requirements:** See group requirements
7. **Specific Control Equipment Operating Conditions:**
The permittee shall operate spray paint booths with dry filters only when exhaust filters are fitted with them and shall change filters as often as needed to comply with the emission limitations.
8. **Alternate Operating Scenarios:** None
9. **Compliance Schedule:** None
10. **Compliance Certification Requirements:** See Section F-7

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Group Requirements

Emission Point # 01

Emission Point # 02

1. Emission Limitations:

401 KAR61:020, Existing process operations, each spray booth and oven

a. Section 3(2): Particulate matter emissions shall not exceed 2.58 lb/hr

b. Section 3(1): Visible emissions shall not equal or exceed 40% opacity.

Total actual emissions of Volatile Organic Compounds (VOCs) shall be less than one hundred (100) tons per year based on a 12 month rolling total for the entire plant.

2. Testing Requirements:

401 KAR 61:132 Section 4(4), the cabinet may request the source to conduct test(s) per methods incorporated by reference in 401 KAR 50:015 to verify that coatings meet requirements of exemptions per 401 KAR 61:132 Section 6 and furnish a written report of the results of such test(s).

3. Specific Record keeping Requirements:

1. The permittee shall keep daily records of usage and VOC and HAP contents of painting, lining materials and solvents at the source and summarize those records at the end of each month. The permittee shall calculate total actual emissions of VOCs and HAPs from the source for each month in tons per month units. The basis of the calculations shall be the actual usage and VOC and HAP contents of painting, lining material and solvents at the facility during that month. The permittee shall also keep records of twelve (12) months rolling total for VOCs and HAPs emissions at the source each month. All the above mentioned records, and purchase orders and invoices for materials containing VOCs and HAPs shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.

2. Daily records shall be maintained by the source for five years. These records shall be made available to the cabinet or the USA EPA upon request.

4. Specific Reporting Requirements:

The permittee shall submit a report to the division's Florence Regional Office by the 15th of each month showing the VOC and HAP emissions at the source for the preceding month in ton per month and for the twelve (12) months rolling total. This monthly report shall also include all instances of non-compliance with the terms and conditions of this permit and corrective measures taken to bring the source into compliance. If no such instances of non compliance occurred during a particular month, the report shall state that no non-compliance event occurred. The format for the monthly report shall be submitted to the Florence Regional Office for approval within thirty (30) days after the issuance of this permit.

SECTION C - INSIGNIFICANT ACTIVITIES

Description

Applicable Regulation

Silk Screen

NA

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SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. VOC emissions from the plant shall be less than 100 tons / year based on 12 months rolling total.
2. PM and VOC emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitation specified herein.
3. Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. Pursuant to 401 KAR 50:012, Section 1(1), in the absence of the specified regulatory standard, all air contaminant sources shall as a minimum apply control procedures that are reasonable, available, and practical.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 - i. During normal office hours, and
 - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency; and
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the division's Florence Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
 - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Florence Regional Office concerning startups, shutdowns, or malfunctions as follows:
 1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements monthly including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Florence Regional Office. Promptly shall be defined as follows:

For emissions exceedance deviations not covered in 6a above report within three (3) days of occurrence. Report all other deviations with the monthly report.
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Florence Regional Office and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality
Florence Regional Office
8020 Ewing Blvd. Suite 110
Florence, KY 41042-7570**

**U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960**

**Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL CONDITIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
 - d. If any additional applicable requirements of the Acid Rain Program become applicable to the source.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.

SECTION G - GENERAL CONDITIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035, Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previously issued construction and operating permits[(0-91-005) and (C-93-140)] are hereby null and void.

SECTION G - GENERAL CONDITIONS (CONTINUED)**(b) Permit Expiration and Reapplication Requirements**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 50:035, Permits, Section 12]

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

Not applicable.

(e) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,

SECTION G - GENERAL CONDITIONS (CONTINUED)

- d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

(g) Risk Management Provisions

The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

Not Applicable

SECTION I - COMPLIANCE SCHEDULE

Not Applicable

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